

E-filing

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BETTY COREA-OLIVARES,

Defendant.

CRIMINAL NO.

08-70054 WDB

NOTICE OF PROCEEDINGS ON
OUT-OF-DISTRICT CRIMINAL
CHARGES PURSUANT TO RULES
5(c)(2) AND (3) OF THE FEDERAL
RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on or about February 3, 2007, the above-named defendant was arrested based upon an arrest warrant (attached) issued in case number CR-07-1092 PHX SMM (MHB) in the District of Arizona upon an Indictment (attached).

In that Indictment, the defendant is charged with two counts. In Count 1, the defendant is charged with conspiring with Crystal Herndon to knowingly make false statements in connection with the acquisition of firearms in violation of Title 18, United States Code, Sections 371 and 924(a)(1)(A). In Count 2, the defendant is charged with possessing a firearm with an obliterated serial number in violation of Title 18, United

1 States Code, Sections 922(k) and 924(a)(1)(B). Finally, the defendant is named in a
2 forfeiture allegation seeking the forfeiture of the guns recovered from the defendant or
3 her residences pursuant to Title 18, United States Code, Sections 924(d), 2461, and 5872.

4 Maximum Penalties:

5 Count 1: 18 U.S.C. §§ 924(a)(1)(A) and 371 – 5 years of imprisonment; \$250,000
6 fine; 3 years of supervised release; \$100 special assessment.

7 Count 2: 18 U.S.C. §§ 922(k) and 924(a)(1)(B) – 5 years of imprisonment;
8 \$250,000 fine; 3 years of supervised release; \$100 special assessment.

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10 Respectfully Submitted,

11 JOSEPH P. RUSSONIELLO
12 UNITED STATES ATTORNEY

13 Date: February 4, 2008

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15 JAMES C. MANN
16 Assistant U.S. Attorney
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AO 442 (Rev.5/85-AZ) Warrant for Arrest

United States District Court
District of Arizona

WARRANT FOR ARREST

UNITED STATES OF AMERICA

v.

Betty Corea-Olivares

CASE NUMBER: CR-07-1092-PHX-SMM

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Betty Corea-Olivares
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

[] Indictment [] Information [X] Complaint [] Order of Court [] Violation Notice [] Probation Violation Petition

charging him or her with (brief description of offense)

Consp. To Make False Statements in Connection with the Acquisition of Firearms

In violation of Title 18 United States Code, Section(s) 924(a)(a)(A) and 371

MICHELLE H. BURNS

Name of Issuing Officer

Michelle H Burns
Signature of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

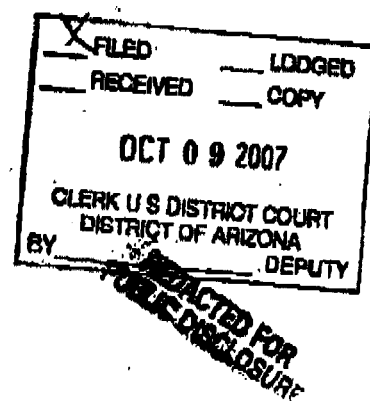
November 2, 2007; PHOENIX, ARIZONA

Date and Location

Bail fixed at \$ _____

By _____

RETURN			
This warrant was received and executed with the arrest of the above-named defendant at:			
Date Received <u>4/18/07</u>	Name and Title of Arresting Officer <u>Tehran Palmer</u> <u>Special Agent ATF</u>		Signature of Arresting Officer <u>[Signature]</u> #4660
Date of Arrest <u>02/04/07</u>	RECEIVED US MARSHALS SERVICE DIST-AT PHOENIX APR 18 2007		



UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America

Plaintiff,

v.

Betty Corea-Olivares

Defendant.

CR - 07-1092 PHX-SMM(mms)

INDICTMENT

VIO: 18 U.S.C. §§ 924(a)(1)(A) & 371
(Conspiracy to Make False
Statements in Connection With
the Acquisition of Firearms)
Count 1

18 U.S.C. §§ 922(k) &
924(a)(1)(B)
(Possession of a Firearm With an
Obliterated Serial Number)
Count 2

18 U.S.C. § 924(d) &
28 U.S.C. § 2461 & 5872
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

THE CONSPIRACY

From on or about June 22, 2006, and continuing until on or about February 13, 2007, in the District of Arizona, the defendant, BETTY COREA-OLIVAREZ, together and with Crystal Herndon and others unknown to the grand jury, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree among themselves and each other to commit certain offenses against the United States as follows: Crystal Herndon did knowingly make false statements and representations with respect to the information required by Title 18, United States

1 Code, Chapter 44, to be kept in the records of federally licensed firearms dealers that is, Crystal
2 Herndon represented that she was the ... "actual buyer of the firearm" ..., when, in truth and in
3 fact, Crystal Herndon well knew, she was buying the firearm for defendant BETTY COREA-
4 OLIVAREZ .

5 In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 371.

6 OVERT ACTS

7
8 1. Between June 2006 and February 2007, Herndon bought guns for BETTY COREA-
9 OLIVARES. Each time Herndon bought guns she filled out the required form 4473 and
10 indicated that she was the actual purchaser of the guns, when in truth and in fact she was buying
11 the guns for BETTY COREA-OLIVARES.

12 A. On June 22, 2006, Herndon bought 2 (two) Jimenez arms model JA Nine, 9 mm
13 pistols from EZ Pick N Pawn.

14 B. On August 10, 2006, Herndon bought 1 (one) Cobray, model M-11 9 mm pistol
15 from EZ Pick N Pawn.

16 C. On August 29, 2006, Herndon bought 1 (one) Hi Point model C-9 9 mm pistol and
17 1 (one) Haskell, model JHP45 .45 caliber pistol ^{from} for Cash in a Flash.

18 D. On August 31, 2006, Herndon bought 1 (one) Hi Point model C-9 9 mm pistol and
19 1 (one) Haskell model JHP45 .45 caliber pistol ^{from} for Cash in a Flash.

20 E. On September 1, 2006, Herndon bought 1 (one) Taurus model PT24/40 .45 caliber
21 pistol and 1 (one) Taurus model PT140 .40 caliber pistol from EZ Pick N Pawn.

22
23 2. On February 13, 2007, Herndon bought 4 (four) Hi Point pistols, 2 (two) Model CF380
24 .380 caliber pistols and 2 (two) JCP 40 caliber pistols. They were purchased from Cash in a
25 Flash Pawn and Arizona Firearms, Collectibles & Pawn.

COUNT 2

On or about the February 21, 2007, in the District of Arizona, the defendant, BETTY COREA-OLIVAREZ, knowingly possessed a firearm, a Hi-Point pistol, model C9 9mm, from which the manufacturer's serial number had been obliterated,

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

FORFEITURE ALLEGATION

As a result of committing the offense alleged in Counts 1 and 2 of this Indictment, defendant, BETTY COREA-OLIVAREZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), the guns recovered from the defendant or her residences.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third person; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above described forfeitable property.

All in violation of Title 18, United States Code, Section 924(d) and Title 28, United States Code, Sections 2461 and 5872.

A TRUE BILL

/s/
FOREPERSON OF THE GRAND JURY
Date: October 9, 2007

DANIEL G. KNAUSS
United States Attorney
District of Arizona

/s/
PAUL V. ROOD
Assistant U.S. Attorney